

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

SAMUEL C. GRANATO,

Plaintiff,

vs.

ANTONIO GONZALEZ

Defendant.

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Civil Action No. C-04-463

ORDER COMPELLING DEPOSITION

On August 24, 2005, the Court conducted a telephone conference concerning a discovery dispute in the above-styled action. Defendant represented that on June 1, 2005, he noticed Plaintiff's deposition, and Plaintiff informed Defendant that Plaintiff would not be available to be deposed until the middle of September--just two weeks prior to the October 4, 2005 trial date.

Plaintiff, as the party bringing this suit, is hereby ORDERED to make himself available for deposition no later than Saturday, August 27, 2005. Should Plaintiff fail to comply with this Order, his case will be dismissed with prejudice. See, e.g., Fed. R. Civ. P. 37 (setting forth the sanctions for failure to comply with a discovery order).

As stated in the Court's October 28, 2004 General Order in this case, the October 4, 2005 trial date cannot be extended, even by agreement of the parties. The Court will grant no continuances

of the trial date, the final pretrial conference date or the joint pretrial order date.

SIGNED and ENTERED this the 24th day of August, 2005.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line. The signature is written in a cursive, flowing style.

Janis Graham Jack
United States District Judge